

229



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EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/12/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,567

Applicant(s)

GILIBERTO ET AL.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2 November 2003 have been fully considered but they are not persuasive.

In regards to Applicant's statement that Profiles does not explicitly address the issue of how to use a Bluetooth-aware "helper application" or "helper component" to communicate with legacy applications as it relates to the claims, the Examiner cannot find any support in the specification for such a statement. If the Applicant disagrees with the Examiner's findings, the Applicant must show how the specification meets the written description requirement for these amendments.

In regards to Applicant's argument that Profiles does not disclose a method that determines whether or not a remote device is a dial-up networking device, Profiles does expressly disclose this limitation, as shown on pages 45-51 regarding "Class of Device" and pages 61-93, particularly pages 66-67, "1.1 Scope" regarding "services" and "usage scenarios" or "profiles". See also page 170, "1.2 BLUETOOTH PROFILE STRUCTURE", particularly "Serial Port Profile" and "Dial-Up Networking Profile". These references within "Profiles" show a method of choosing between devices that do and do not have a dial-up networking "usage scenario" and "services".

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2143

3. Claims 4-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 4 and 7 recite the limitation "helper component". This limitation is not described in the specification to have support within the claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 2-4 and 7-9 are rejected under 35 U.S.C. 102(a) as being anticipated by "Specification of the BLUETOOTH System Profiles Version 1.0B" (hereinafter "Profiles").

Regarding claim 2, "Profiles" discloses for use in a computer, a method of automatically exposing a remote device to an application through sockets via RFCOMM, the method comprising the steps of: detecting a new connection to the remote device; determining whether or not the remote device is a dial-up networking device; and if the remote device is not a dial-up networking device, allowing the application access to the remote device through an interface to a transport layer of the computer. [pages 13-60, specifically pages 37-38 and 45-51; pages 61-93, particularly

pages 66-67, "1.1 Scope"; pages 170-175, specifically pages 170-172, "1.2 BLUETOOTH PROFILE STRUCTURE" and page 178, section "Remote Port Negotiation"]

Regarding claim 3, "Profiles" discloses a method of automatically routing an RFCOMM connection to an appropriate device type comprising the steps of: detecting a new device for connection; determining whether or not the new device is a dial-up networking device; and enumerating a physical device object associated with the new device if the new device is a dial-up networking device and exposing the device to an application by way of a transport driver interface if the device is not a dial-up networking device. [pages 13-60, specifically pages 37-38 and 45-51; pages 61-93, specifically pages 66-67, "1.1 Scope" and 75-77; pages 170-175, specifically pages 170-172, "1.2 BLUETOOTH PROFILE STRUCTURE" and page 178, section "Remote Port Negotiation"]

Regarding claim 4, "Profiles" discloses a method of connecting a legacy application lacking any BLUETOOTH-specific functions to a remote BLUETOOTH device in a manner that is transparent to the application, wherein the application is hosted on a first computer and wherein the first computer also hosts a BLUETOOTH communications stack, and wherein the remote BLUETOOTH device is connectable to the first computer via a BLUETOOTH radio link, the method comprising: automatically detecting at the first computer the presence of the remote BLUETOOTH device; determining automatically whether the remote BLUETOOTH device is a dial-up network device; and automatically assigning an interface to the remote BLUETOOTH device,

Art Unit: 2143

wherein the interface allows the application to utilize at least a portion of the BLUETOOTH communications stack to communicate with the remote BLUETOOTH device, wherein if it is determined that the remote BLUETOOTH device is a dial-up network device, the interface appears to the application as a standard modem interface. [pages 13-60, specifically pages 37-38; pages 170-175, specifically pages 171-172; pages 219-242, specifically page 229 "Profile Fundamentals" and page 230 "Data Calls"]

Regarding claim 7, "Profiles" discloses the method according to claim 4, wherein automatically assigning an interface to the remote BLUETOOTH device further comprises assigning a socket to the remote BLUETOOTH device for communications between the application and the remote BLUETOOTH device. [pages 171-172; page 178, "Remote Port Negotiation"]

Regarding claim 8, "Profiles" discloses the method according to claim 7, wherein the interface allows the application to treat the remote BLUETOOTH device as a standard network interface card. [pages 265-299, specifically pages 284-286]

Regarding claim 9, "Profiles" discloses the method according to claim 4, wherein the remote BLUETOOTH device is a dialup networking device associated with a second computer, the method further comprising using the interface assigned to the remote BLUETOOTH device to execute peer-to-peer communications between the first and second computers. [pages 172 and 227n]

Claim Rejections - 35 USC § 103

Art Unit: 2143

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Profiles" in view of Caushik [US Patent 6 041 075 A].

Regarding claim 5, "Profiles" discloses the method according to claim 4.

"Profiles" does not expressly disclose wherein the interface assigned to the remote BLUETOOTH device comprises a UNIMODEM interface, however, Caushik discloses that the UNIMODEM interface is well known and used in the art in the context of providing an abstracted interface to applications [column 1, line 10-42].

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a UNIMODEM interface to appear as a standard modem interface as disclosed in "Profiles".

Regarding claim 6, "Profiles" discloses the method according to claim 4.

"Profiles" does not expressly disclose wherein the interface assigned to the remote BLUETOOTH device comprises a Telephony API, however, Caushik discloses that using a Telephony API is well known and used in the art in the context of providing an abstracted interface to applications [column 1, line 10-42]

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a Telephony API to appear as a standard modem interface as disclosed in "Profiles".

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Tuesday 1-2 pm EST.

Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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